

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAUL MARKS,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

CASE NO. C18-5516-RBL

ORDER ON MOTION TO APPOINT
COUNSEL

DKT. # 16

THIS MATTER is before the Court on pro se Plaintiff Paul Marks's Motion for Court-Appointed Counsel. Dkt. # 16.

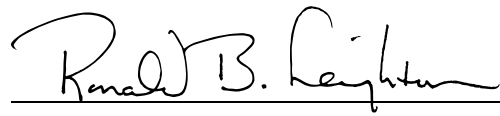
In exceptional circumstances, the court may ask an attorney to represent any person unable to afford counsel under 28 U.S.C. § 1915(e)(1). *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional circumstances, the court must evaluate the likelihood of success on the merits and the ability of the petitioner to articulate the claims pro se in light of the complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

Here, the Court dismissed all of Marks's claims on July 1. Dkt. # 15. Rather than amend his complaint, Marks filed the current Motion on July 8. Dkt. # 16. Because Marks's claims have already been dismissed, his request for appointment of counsel is moot. Even if this were not the

1 case, for reasons made clear in Magistrate Judge Fricke's Report and Recommendation [Dkt.
2 # 14], Marks's claims show a low likelihood of success on the merits—indeed, they do not even
3 meet the standard to survive dismissal under Rule 12. Marks's Motion is therefore DENIED.

4 IT IS SO ORDERED.

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6 Dated this 30th day of July, 2019.

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9 Ronald B. Leighton
United States District Judge
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